IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1980

No. 80-1362

EDWARD RONWIN, Petitioner

v.

RICHARD A. SEGAL, et al,
Respondents

REPLY TO RESPONDENTS' BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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Petitioner pro se

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COMMENT ON RESPONDENTS' STATEMENT OF THE CASE

(Hereinafter, Respondents' Brief = RB)

Veracity would have been better served in Respondents' effort to present facts underlying this case, if Respondents had admitted that of the 17 witnesses who testified at the Special Committee hearings on Jan. 6/7, 1975 (RB, pp.3-4), 13, including the two psychiatrists and ex-Dean

Willard H. Pedrick and another professor were of the opinion that petitioner suffers from no mental disability or illness and has shown excellent understanding of and ability in law. The third professor did not venture an opinion on petitioner's mental state and two "fellow students" called petitioner "paranoid", but these two had been sued by petitioner in state court to halt their anti-semitic activity at the Law School (see footnote no. 1, In re Ronwin, 113 Ariz. 357, 555 P.2d 315 (1976), reproduced in RB, Appendix, p.11). The "clinical psychologist" alleged to have changed his mind from no decision on petitioner's mental ability to practice law to an allegation that petitioner was not able, but admitted being given secret prompting by the Bar counsel and then lied under oath about the reason for his change of opinion. Veracity would have

gained in Respondents' recitation if it acknowledged that the same "clinical psychologist" was under treatment for a mental disorder at or near the time he allegedly examined petitioner and testified on that alleged examination. Even more, a third psychiatrist's report was accepted by the Arizona Supreme Court prior to its promulgation of In re Ronwin and that report labelled petitioner as not suffering from any mental illness and as having excellent qualifications for law work.

Respondents ought to have revealed that at the suggestion of the Bar Committee Chairman, petitioner's application of Aug. 30, 1976, which led to this action, (RB, p.6) and which is totally separate from the application leading to In re Ronwin, was accompanied by a fourth psychiatrist's report which joined the three previous psychiatrists in holding that

petitioner did not suffer from any mental disease or disability.

ARGUMENT

Further Refinement of the Facts

In addition to the admitted refusal to allow petitioner a hearing before denying petitioner's application of Aug. 30, 1976, (RB, pp.6-7;8), Respondents failed to inform petitioner of the "reasons" for denial of said application. Further, Respondents' observations that In re Ronwin was promulgated "..only four months..." prior to the denial of the application of Aug. 30, 1976, (RB, p.9) is misleading. Said decision was the final State action on an application made in June, 1974 and based on evidence dated no later than Dec., 1974 and given in said hearing on Jan. 6/7,1975. Thus, approximately two years separate the evidence presented to support the application underlying this cause and that which led to In re Ronwin.

The Decisional Conflict and the Constitutional Question Comprehended Herein

Contrary to Respondents' assertion, (RB, p. 7), the conflict in decisions is between the 9th Circuit allegation that this case is governed by Chaney v. State Bar of Calif., 386 F.2d 962 (9 Cir. 1967) and this Court's decision in Schware v. Board of Bar Examiners of State of New Mexico, 353 U.S.232 (1957); and, the question comprehended thereby is the constitutionality of Rule 28(c)XII.C, of the Arizona Supreme Court, (RB, Appendix, pp.3-4), which allows the Bar Committee to deny applications without hearing; without presentation of reasons for the denial and without the right given applicants to confront and cross-examine adverse witnesses and evidence (RB, p.9), in conflict with the Fifth and Fourteenth Amendments and this Court's decision in Schware.

While not part of this cause, it may be noted that the Arizona authorities have now denied six (6) applications by petitioner over the last five to six (5-6) years without giving petitioner: (1) reasons for denial, (2) a hearing and (3) an opportunity to confront and cross-examine adverse witnesses and documents.

The right deprived by the Arizona interpretation of its Rule 28(c)XII.C, is that of practicing a profession and the right to an opportunity to qualify therefor, which this Court clearly placed under the protection of the Fifth and Fourteenth Amendments in Greene v. McElroy, 360 U.S. 474, 79 S.Ct. 1400, 1411, 1415 (1959), which decision included "the law" by its reference to Schware,(Greene, p. 1411).

The Arizona Bar Committee's determination is not just a "recommendation,"(RB, p. 11), but a decision,and that decision

is a final decision subject only to "review" by the Ariz. Supreme Court, as shown by the language of Rule 28(c)XII.F.1,(RB, Appendix, p. 4).

Contrary to Respondents' notion, (RB, p.12), petitioner need not have resorted to the Arizona Supreme Court before seeking federal intervention based on violation of the Civil Rights Acts, Monroe v. Pape, 365 U.S. 183, 81 S.Ct. 473, 482 (1961); and, from the information given above, such resort is a futile act.

At odds with Respondents' position, (RB, p. 13) is the established use of mandamus and prohibition to enforce civil rights, Law Students Civil Rights Research Council v. Wadmond, 401 U.S. 154, 91 S.Ct. 720 (1971); NAACP v. Allen, 340 F. Supp. 703, 706 (M.D.Ala. 1972).

THE FUNDAMENTAL IMPORTANCE OF THIS CASE

In addition to the conflict in the ap-

plication of said Rule 28(c)XII.C, and Schware,(and, thereby, the Fifth and Fourteenth Amendments), the question also arises whether the District Court can refuse to take jurisdiction mandated by Congress in 28 U.S.C. § 1343 because the underlying action arises in a Bar-related matter; and, whether the District Court can simply ignore Schware which, in practical effect, both reduces this Court's decision to an act of futility and elevates State rules of procedure above the Supremacy Clause.

The Supremacy Clause is not an idle edict. It is meant to be obeyed. Nothing in the U.S. Constitution allows a federal court--District level or higher--to shun its duty to enforce the constitution against all offenders including all state officers and courts. Comity cannot be allowed to amend or abrogate the Constitution.

Respectfully submitted

Edward Ronwin

February, 1981